

PROB 12B
(7/93)

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 14 2014

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Albert Junior Riojas	Case Number: 0980 2:13CR02106-001
Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge	
Date of Original Sentence: March 17, 2014	Type of Supervision: Probation
Original Offense: Theft of Government Money, 18 U.S.C. § 641	Date Supervision Commenced: March 17, 2014
Original Sentence: Probation - 60 months	Date Supervision Expires: March 16, 2019

PETITIONING THE COURT

To modify the conditions of supervision as follows:

From the Judgment and Sentence: Schedule of Payments: F: Special instructions regarding the payment of criminal monetary penalties:

While on probation, monetary penalties are payable on a monthly basis of not less that \$300.00 per month or 10% of the Defendant's net household income, whichever is larger, commencing 30 days from the date of imposition of sentence.

Supporting Evidence: In late June 2014, the defendant fell off a high level diving board at a local indoor pool and broke his back and wrist. He started rehabilitation and was able to return to light duty at work on October 2, 2014. He has not been able to make his payments as ordered. It is this officer's recommendation that the special instructions regarding the payment of the criminal monetary penalties be modified as follows:

While on probation, monetary penalties are payable on a monthly basis of not less than \$150.00 per month or 10 % of the Defendant's net household income, whichever is larger, commencing 30 days after his return to employment.

CAUSE

Albert Riojas began his 5-year term of probation on March 20, 2014. At that time, he was working at a local Costco store, for approximately 35 hours a week. The \$300 payment was a struggle, and he had difficulty making his payment. He then suffered the accident, as noted above, landing in the hospital for several days, with the possibility of not being able to walk. He had surgery and is now able to walk and move around without assistance. He started physical therapy and returned to light duty work. Due to the unforeseen circumstances and events, this officer respectfully requests the Court consider the modification, as noted above.

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Re: Riojas, Albert Junior

October 10, 2014

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Respectfully submitted,

by s/Stephen Krous

Stephen Krous
U.S. Probation Officer
Date: October 10, 2014

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer

10/14/14

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


To modify the conditions of supervision as follows:

While on probation, monetary penalties are payable on a monthly basis of not less than \$150.00 per month or 10 % of the Defendant's net household income, whichever is larger, commencing 30 days after his return to employment.

Witness:


Stephen Krous
U.S. Probation Officer

Signed:


Albert Junior Riojas
Probationer or Supervised Releasee

October 10, 2014

Date